



Town of Uxbridge  
**Planning Board**  
21 South Main St.  
Uxbridge, MA 01569  
(508) 278-8603

### **DECISION**

Townhouse Special Permit Application  
**Case No. FY 08-05– Rogerson Commons**

Date:	June _____, 2008
Name of Applicant:	Edward Renaud The Renaud Companies,
Address of Applicant:	1297 Providence Road Whitinsville, MA 01588
Owner:	Blackstone – Chicago Realty Trust
Location of Property:	off Rogerson Crossing Uxbridge, MA
Assessors Map/Parcel:	Town of Uxbridge Assessor's Map 12B Parcels 3768 and 4561 Registry of Deeds Book 14764, Page 233
Site Plan Dated:	July 16, 2007
Most Recent Revision:	June 3, 2008
Engineer or Land Surveyor:	Heritage Design Group
Zoning District:	Residence A Zoning District

### **BACKGROUND/SUMMARY:**

In accordance with Massachusetts General Laws, Chapter 40A as amended and Section VII, Subsection A 13 of the Uxbridge Zoning Bylaw, the applicant seeks a special permit for approval of a townhouse development as shown on a site plan entitled "Rogerson Commons A Townhouse Development Site Plan" located off Rogerson Crossing and consisting of

development on Rogerson Crossing in, Uxbridge, Massachusetts dated July 16, 2007 with revisions through June 3, 2008 prepared by Heritage Design Group.

The application was properly filed with the Planning Board on October 9, 2007 and was subsequently reviewed.

Following submittal of an application for approval of a Definitive Plan application, it is hereby certified by the Planning Board of the Town of Uxbridge, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, a public hearing was scheduled to open on November 14, 2007 but was continued at the request of the applicant, without taking testimony, to December 12, 2007. Following input on December 12, 2007, the hearing was continued at the request of the applicant, to January 9, 2008 and was again continued at the request of the applicant, without taking testimony, to January 23, 2008. Following public input on January 23, 2008, the hearing was continued at the request of the applicant to February 27, 2008 and was again continued at the request of the applicant, without taking testimony, to March 26, 2008. Following public input on March 26, 2008, the hearing was then continued at the request of the applicant to April 23, 2008 and was again continued at the request of the applicant, without taking testimony, to May 28, 2008. Following public input on May, 28, 2008, the hearing was then closed.

The **FILINGS** upon which the decision is based include submittals relative to the Townhouse Special Permit and also the application for Definitive (subdivision) Plan approval. The applications were filed and reviewed concurrently, at the applicant's request, and included the following:

- 1) Application for Townhouse Special Permit approval, submitted October 4, 2007 and containing application forms, deeds and ownership data, fee schedule and associated submittal fees, and a certified abutters list. The application seeks approval of a Townhouse Development of up to 66 dwelling units off a subdivision extension of the existing public way known as Rogerson Commons, as shown on the plans.
- 2) Additional documents including Drainage Analysis dated May 2007 revised thru February 13, 2008, Traffic Impact Analysis dated January 7, 2008 revised thru March 12, 2008, and Fiscal Impact Assessment.
- 3) Plans drawn by Heritage Design Group, One Main Street, Whitinsville, MA 01588, dated July 16, 2007, with revisions dated through June 3, 2008 and consisting of the following sheets (Plans will be amended further in order to comply with conditions of approval articulated herein, including additional sheet/s on which conditions of approval are articulated):
  - a) Cover Sheet 1 of 19,
  - b) Notes, references and legend sheet 2 of 1,
  - c) Townhouse Development Plan 3 of 19,
  - d) Existing Conditions Plan 4 of 19,
  - e) Erosion Control Plans 5&6 of 19,
  - f) Topographic and Utility Plan 7 of 15,
  - g) Roadway Plan and Profiles 8-10 of 19,
  - h) Landscape and Lighting Plan 11 of 19,

- i) Site Details 12 thru 16 of 19,
  - j) Pre-Development Drainage Plan 17 of 19
  - k) Post Development Drainage Plan 18 & 19 of 19
  - l) Architectural Plans Sheets A1 through A5
- 4) Staff Review Comments from
- a) DPW, dated October 15, 2007
  - b) Board of Health, dated October 18, 2007
  - c) Director of P&ED, dated October 24, 2007
  - d) Director of P&ED, dated November 8, 2007
  - e) BETA Group, Inc., dated January 22, 2008
  - f) Director P&ED to Applicant, dated January 25, 2008
  - g) Director of P&ED, dated February 20, 2008
  - h) DPW, dated February 25, 2008
  - i) BETA Group, Inc., dated March 11, 2008
  - j) Director of P&ED, dated March 18, 2008
  - k) DPW dated May 5, 2008
  - l) Director P&ED, dated May 6, 2008
  - m) BETA Group, Inc., dated May 9, 2008
  - n) BETA Group Inc, dated May 27, 2008
  - o) BETA Group Inc., dated March 19, 2004 (relative to review of bridge design)
- 5) Other correspondence from
- a) Grant Fletcher, dated December 12, 2007
  - b) Ed Larkin, dated January 11, 2008
  - c) Sands Marshall, dated January 23, 2008
  - d) Heritage Design Group, dated February 14, 2008
  - e) Citizens Petition, dated February 2, 2008, received March 26, 2008
  - f) Traffic Observations, dated March 25, 2008
  - g) Heritage Design Group, dated April 10, 2008
  - h) Heritage Design Group, dated April 10, 2008
  - i) Heritage Design Group, dated May 6, 2008
  - j) Citizens Petition, dated May 3, 2008, received May 28, 2008 and containing the earlier (Feb/March) correspondence in item e) above.

## **FINDINGS AND DETERMINATIONS:**

- F1) In view of the nature and scale of the existing and proposed activity, the Board determined that the materials as submitted and supplemented during the review process are sufficient.
- F2) Based on the information and data provided, the Planning Board finds that the project meets the purpose and intent of the Townhouse Development bylaw because it conserves open space and provides for a mix of housing types without the necessity of subdividing the development into individual lots. Furthermore, the dwelling units are clustered, as intended, and the project does not detract from the ecological and visual qualities of the site or its neighborhood environment.

- F3) Based on the information submitted, and upon satisfaction of the conditions herein, the Planning Board finds that the minimum lot size, maximum density, and minimum dimensional standards required by the bylaw are met by the proposal.
- F4) Based on the information submitted, the Planning Board finds that the open space and buffers are suitable. There is one location that lacks a full 35-foot wide buffer
- F5) Based on the unique characteristics of the proposal, the Planning Board finds that the proposal supports the economic needs of the community.
- F6) Based on the unique characteristics of the proposal, and upon satisfaction of the conditions herein, the Planning Board finds that the proposal adequately addresses traffic flow and safety, including parking and loading.
- F7) Based on the unique characteristics of the proposal, and upon satisfaction of the conditions herein, the Planning Board finds that the proposal makes adequate provision of utilities.
- F8) Based on the unique characteristics of the proposal, the Planning Board finds that the proposal adequately addresses neighborhood character and social structures.
- F9) Based on the unique characteristics of the proposal, the Planning Board finds that the proposal has a net positive fiscal impact on the community.

## **DECISION AND CONDITIONS OF APPROVAL**

Based on the foregoing, the Planning Board voted to approve the application for special permit for Townhouse Special Permit (up to 66 dwelling units) as described by the record materials referenced herein, with the following conditions:

- 1) The Applicant shall comply with all applicable laws, regulations and permit conditions required by the Uxbridge Conservation Commission, Board of Health, Fire Department, Building Department, Water Department, Sewer Department, Highway Department and all other departments and agencies for this project. Failure to comply with all permits and requirements of such departments, boards and commissions shall constitute a violation of this Special Permit.
- 2) All roadways and infrastructure shown on the plans shall remain private. The Town of Uxbridge shall not be required to maintain nor accept any responsibility for the construction or maintenance of such. This provision shall be ensured through documents, such as a master deed, in a form satisfactory to the Town. Such documents shall be provided (and deemed acceptable) prior to the issuance of any building permit for this project.
- 3) Prior to initial site clearing, the developer must submit written proof of compliance with the requirements of the NPDES General Permit for Storm Water Discharges From Construction Activities (the General Permit) including those provisions specific to activities proposed within the Commonwealth of Massachusetts. A copy of the Notice of Intent submitted to the USEPA Region 1 Office and the Massachusetts Department of Environmental Protection shall serve as proof of compliance. Copies of all plans, updates, revisions and reports

included in the NOI and as required from time-to-time under the General Permit shall also be submitted to the Planning Board. If it is determined that the project site is exempt from the requirements of the General Permit, such determination shall be submitted in writing to the Planning Board prior to initial site clearing.

- 4) The contents of this Decision, including all waivers (if any) and conditions of approval, shall be shown as notes on the plan prior to endorsement. The final approved plan will therefore have a revision date later than that stated in the Filings above.
- 5) Plans shall be submitted for endorsement within sixty (60) days of the expiration of the twenty-day appeal period or within sixty (60) days after the entry of a final decree by the court sustaining the approval of the plan if appeal has been taken.
- 6) Within thirty (30) days following endorsement of the approved Plan, the applicant shall provide the Board with four (4) complete sets of said Plan, as finally approved. The applicant shall also submit 3 copies of “reduced” plans on paper sized 11x17.
- 7) Clear-cutting activities shall not be permitted. Prior to undertaking site clearing activities and commencement of construction, the limit of clearing and limit of work identified on the approved development plans must be suitably marked and inspected by the Planning Board and/or its designees. Acceptable markers include hay bales or plastic fence.
- 8) Prior to any construction activities, there shall be a pre-construction meeting with the applicant, contractor, and designees from the applicable boards, committees, and departments. Letters from all applicable utilities (gas, water, sewer, etc) shall be provided acknowledging where respective utility and equipment will be placed within the development.
- 9) Prior to initial construction activities an Erosion Control Officer shall be designated for this development. In the event this person is no longer able to fulfill his/her duties and responsibilities, the applicant shall designate a replacement and notify the Planning Board immediately.
- 10) An Operations & Maintenance Plan shall be provided; outlining erosion and sediment controls and evidences of employment of Best Management Practices during construction and operation of the Development. Additional hay bales and silt fence are to be stored on-site at all times
- 11) The developer shall be responsible for installing and maintaining regulatory traffic warning signs which may be needed after the development becomes occupied as required by the police department. This is intended to include STOP signs, “no parking” signs, street signs (identifying the name of the street), etc.
- 12) Prior to construction commencing, copies of all required permits shall be provided to the Planning Board for the file. This shall be interpreted so that if permits are to be recorded at the Registry of Deeds, such recording information is shown on the documents provided to the Planning Board.

- 13) In accordance with the Applicant's representations, the applicant the developer shall maintain responsibility for performing the appropriate maintenance to the stormwater management systems associated with this subdivision, in perpetuity. Prior to any building permit being issued for this lot, the applicant shall provide executed documents to ensure this provision is carried out and enforceable in perpetuity. Such materials shall be deemed acceptable by the Town and shall include the final approved stormwater management plans, including monitoring/reporting forms, easements and all other relevant materials.
- 14) In accordance with the Applicant's representations, the applicant the developer shall maintain responsibility for appropriate maintenance of the streetlighting in the cul de sac of Rogerson Crossing, as shown on the plans, in perpetuity. Prior to any building permit being issued for this lot, the applicant shall provide executed documents to ensure this provision is carried out and enforceable in perpetuity. Such materials shall be deemed acceptable by the Town
- 15) Based on concerns raised by the Fire Chief, there shall be no parking permitted along the development roadway. Signs to this effect shall be posted and maintained by the owner.
- 16) The adequacy of visitor parking was a significant concern during the review process. In order to provide adequate parking, the Planning Board requires additional (off-street) parking spaces to be provided within this development. It was specifically noted that a parking area to the east of "Unit 42" could provide several spaces. Further, at a separate area in the development, parking in the location shown for "Unit 58 and 59" could also provide several parking spaces. Providing parking spaces in these locations would address an area of significant concern. The applicant may propose alternative locations for such spaces, provided such alternatives accomplish the goal of providing additional parking, off-street, located throughout the project site. Such alternative location(s) shall be subject to the review and approval of the Planning Board. Any proposal to provide less than the amount of off-street parking articulated herein shall require approval of a Modification of this Special Permit.
- 17) The adequacy of resident parking was a significant concern during the review process. The applicant indicated that each dwelling unit is provided with a single-car garage, and a driveway that is wide enough to accommodate two passenger vehicles (side by side). This configuration is considered to be the minimum necessary to provide adequate parking for the residents of the site.
- 18) In order to ensure adequate utility provision, the water line shall be constructed primarily from Rogerson Crossing but shall also be "looped" and thereby connected to the infrastructure on North Garden. Such utility connection shall be made pursuant to requirements of the Uxbridge DPW.
- 19) Except as otherwise required by these Conditions of Approval, the Open Space shall not be further built upon or otherwise modified except and unless approved by the Planning Board. Any substantive proposal to affect the open space shall require an application for Modification of the Special Permit.
- 20) Recreational areas shall be maintained. Adequate signage designating said recreational areas shall be installed and maintained.

- 21) The landscaping and trail provisions shown on the plans are considered substantively important to meeting the requirements of the zoning bylaws. Therefore, such provisions are required to be maintained in perpetuity.
- 22) If so required by the local Post Master of the US Postal Service, the owner/applicant shall provide and dedicate an area or areas for mail delivery. Such location shall be appropriately designated on the plan. The maintenance of this facility shall remain the responsible of the homeowners and not that of the Town of Uxbridge. Access to mail boxes shall comply with ADA requirements.
- 23) Occupancy of any dwelling unit on this site is predicated upon the Rogerson Crossing Definitive Plan. Said Definitive Plan creates a roadway from which frontage for this lot (shown as Lot 1 on said Rogerson Crossing plan) derives its frontage. It is presumed that Rogerson Crossing (the extension of the existing public way) shall be constructed pursuant to said Definitive Plan (as conditionally approved) and accepted by the Town so as to create frontage for the lot containing the Rogerson Commons Townhouse Development. Until such time as Rogerson Crossing (extension) is authorized for acceptance by Town Meeting vote and such authorization is fully executed, construction and maintenance of all infrastructure relative thereto shall remain private. In the event occupancy of any dwelling unit is sought prior to such completion of the Acceptance process, surety (in a form and amount acceptable to the Town) shall be provided prior to such occupancy of any dwelling unit being permitted.
- 24) It is anticipated that some or all of the conditions contained herein will also be contained in a “master deed” for the townhouse project. Said master deed shall be provided in draft form to the Planning Board for review prior to any building permit being issued for this lot. The intent of this review is to ensure consistency, and provisions for operation and maintenance in perpetuity of systems identified herein.
- 25) The existing decision, including reduced construction requirements, shall not be valid beyond the lot as shown on the plans; the lot shall not be in any way altered or reduced without receiving a Modification to this special permit.
- 26) Inspections will be conducted throughout construction to ensure compliance with all aspects of this Townhouse special permit approval. Such inspections may be conducted by Town personnel and/or consultant engineer at the owner/developer’s expense, contracted by the Town pursuant to MGL Ch 44 Section 53G
- 27) Within 60 days of the date of this decision, the Applicant shall record this Special Permit at the Worcester County District Registry of Deeds and provide evidence thereof to the Planning Board. Failure to do so shall render this special permit null and void.
- 28) In accordance with MGL Chapter 40 A S. 17, this Special Permit shall lapse in two years if construction has not begun by such date except for good cause.

Uxbridge Planning Board

---

**John Morawski**, Chairman

---

**Deborah Bernier**

---

**Charles Lutton**

---

**Peter Petrillo**

---

**Stanley Stefanick**

---

**Barry Desruisseaux**

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40A Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk. A copy of this decision has been filed with the Town Clerk on \_\_\_\_\_

I hereby certify that twenty (20) days has elapsed from the date this decision was filed and no appeal has been filed in this office.

A true copy: ATTEST

---

Town Clerk/Assistant Town Clerk  
(Town Seal Affixed)